

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JAMES TASHMAN,

V.

Petitioner,

Case No. 2:20-cv-00470-KJD-EJY

ORDER

NEVADA DEPT. OF CORRECTIONS, et. al,

Respondents.

Petitioner has submitted to the court a document styled as a “motion to appeal the notice of entry of order,” with which he appears to be seeking to challenge a decision by the Eighth Judicial District Court for Clark County, Nevada, denying relief with respect to the manner his sentence has been calculated by the Nevada Department of Corrections. ECF No. 1.

Petitioner's avenue for relief in this court, if any, would be a petition for writ of habeas corpus under 28 U.S.C. § 2254. A petition for writ of habeas corpus filed by a person who is not represented by an attorney must be on the form provided by this court. LSR 3-1, Local Rules of Practice, U.S. District Court of Nevada.

In addition, this matter has not been properly commenced because petitioner has neither paid the filing fee for a habeas proceeding (\$5.00) nor filed an application to proceed *in forma pauperis*. Local Rule LSR 1-1. Also, under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, a

1 petitioner must attach both an inmate account statement for the past six months and a properly
2 executed financial certificate to his application.

3 Thus, the present action will be dismissed without prejudice to the filing of a **new** petition
4 on the court's approved form, accompanied by either the \$5.00 filing fee or a completed
5 application to proceed *in forma pauperis* with all required attachments.

6 IT THEREFORE IS ORDERED that this action shall be DISMISSED without prejudice
7 to the filing of a **new** petition in a **new** action with a properly completed pauper application.

8 IT FURTHER IS ORDERED that a certificate of appealability is DENIED, as jurists of
9 reason would not find the court's dismissal of this improperly commenced action without
10 prejudice to be debatable or incorrect.

11 IT FURTHER IS ORDERED that the Clerk shall send petitioner two copies each of an
12 application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section
13 2254 habeas petition form, one copy of the instructions for each form, and a copy of the papers
14 that he submitted in this action.

15 IT FURTHER IS ORDERED that the Clerk shall enter judgment accordingly and close
16 this case.

17 DATED THIS 8 day of April, 2020.

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21 UNITED STATES DISTRICT JUDGE
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